

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

COMPASS POINT)
CONDOMINIUM OWNERS')
ASSOCIATION, INC.)

Plaintiff,)

v.)

Civil Action File No. _____

(Removed from the Circuit Court of
Baldwin County, Alabama)

LANDMARK AMERICAN)
INSURANCE COMPANY,)

Defendant.)

**NOTICE OF REMOVAL OF DEFENDANT LANDMARK AMERICAN
INSURANCE COMPANY**

Landmark American Insurance Company (“Landmark”), defendant in the above-styled matter, within the time prescribed by law and pursuant to 28 U.S.C. § 1441, files this notice of removal, respectfully showing the Court as follows:

I. COMMENCEMENT AND SERVICE

1.

Plaintiff Compass Point Condominium Owners’ Association, Inc. (“plaintiff”) commenced this action on June 1, 2022 by filing a complaint against

Landmark in the Circuit Court of Baldwin County, Alabama, which county is within the United States District Court for the Southern District of Alabama and the Southern Division of this Court. (Exhibit 1: Complaint – Civil Action File No. 05-CV-2022-900560.00). The lawsuit was styled as above and was numbered as civil action file no. 05-CV-2022-900560.00.

2.

Landmark received a copy of the complaint on June 1, 2022 and was served by certified mail on June 14, 2022.

II. GROUND FOR REMOVAL

3.

Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332 because this action is between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a).

III. COMPLETE DIVERSITY

4.

Plaintiff is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business located in Baldwin County, Alabama. (Ex. 1: Complaint, ¶ 1).

5.

Landmark is a corporation organized and existing under the laws of the State of New Hampshire, with its principal place of business located in Atlanta, Georgia.

6.

Accordingly, there is complete diversity of citizenship between plaintiff and Landmark in this action.

IV. AMOUNT IN CONTROVERSY

7.

The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a).

8.

In its complaint, plaintiff has raised claims for breach of contract, bad faith, deceptive trade practices, attorneys' fees, and punitive damages against Landmark. (Ex 1: Complaint).

9.

Specifically, the complaint alleges that the total damage sustained by the plaintiff's property as a result of Hurricane Sally totals \$18,714,235.60. (Ex 1: Complaint, ¶ 30). Further, the complaint demands compensatory damages, special damages, and punitive damages, plus attorneys' fees and expenses of litigation. (Ex

1: Complaint, *ad damnum* clause).

10.

The damages claimed by plaintiff in the lawsuit exceed the sum or value of \$75,000.00, exclusive of interest and costs. Therefore, the amount in controversy satisfies the jurisdictional prerequisite of 28 U.S.C. § 1332(a).

V. TIMELY REMOVAL

11.

In addition to satisfying the amount in controversy and diversity of citizenship requirements, Landmark has complied with the procedures necessary for removal contained in 28 U.S.C. § 1446.

12.

Landmark has properly filed this notice of removal of the case to the United States District Court for the Southern District of Alabama, Southern Division, within thirty (30) days of receipt of plaintiff's complaint by Landmark. As such, Landmark timely filed this notice of removal. 28 U.S.C. § 1446(b)(1).

VI. CONCLUSION

13.

Because the amount in controversy in this lawsuit exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and there is complete diversity of

citizenship between plaintiff and Landmark, this case is subject to the original jurisdiction of this Court under 28 U.S.C. § 1332, and may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

14.

Attached to this notice of removal as Exhibit “2” are true and correct copies of all process, pleadings, and orders filed in the state court in this case, as required by 28 U.S.C. § 1446(a).

15.

Landmark has given written notice of the filing of this notice of removal to plaintiff by mailing a copy of this notice to its attorneys of record – Neal C. Townsend, Esq. and Andrew G. York, Esq., Townsend Law, LLC, 158 Pliska Street Fairhope, Alabama 36532 and P.O. Box 2128 Fairhope, Alabama 36533.

16.

In accordance with 28 U.S.C. § 1446(a), Landmark will provide written notice of the filing of this notice of removal to Jody L. Wise, Clerk of Court, Circuit Court of Baldwin County, 312 Courthouse Square, Suite 10, Bay Minette, Alabama 36507, and serve copies upon all other parties.

WHEREFORE, defendant Landmark American Insurance Company respectfully prays that the above-captioned lawsuit be removed to the United States District Court for the Southern District of Alabama, Southern Division.

Respectfully submitted this 30th day of June, 2022.

/s/ Christina May Bolin
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Counsel for Defendant Landmark American Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **NOTICE OF REMOVAL OF DEFENDANT LANDMARK AMERICAN INSURANCE COMPANY** using the Court's CM/ECF System to the following counsel of record:

Neal C. Townsend, Esq.
Andrew G. York, Esq.
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Andrew@townsendlawoffice.com
Attorneys for Plaintiff

This 30th day of June, 2022.

/s/ Christina May Bolin
Christina May Bolin (MAYCH6582)